

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

23-02639 BKOBJ02
BROCK & SCOTT, PLLC
302 Fellowship Rd, Suite 130
Mount Laurel, NJ 08054
(844) 856-6646
Attorneys for Wilmington Savings Fund Society, FSB,
not in its individual capacity but solely as trustee of
MFA 2021-NQM2 Trust

In Re:

CHRISTIAN G MONNE

Case No: 23-10870-JKS

Hearing Date: 4/13/2023

Judge: JOHN K.
SHERWOOD

Chapter: 13

**OBJECTION TO CONFIRMATION
OF DEBTOR'S CHAPTER 13 PLAN**

Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as trustee of MFA 2021-NQM2 Trust ("Creditor"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtor's Chapter 13 Plan* [DE 11], and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on February 1, 2023.
2. Creditor holds a security interest in the Debtor's real property located at 33 Graydon Terrace, Clifton, NJ 07013 (the "Property"), by virtue of a Mortgage.
3. The Debtor filed a Chapter 13 Plan (the "Plan") on February 22, 2023 [DE 11].
4. The Plan addresses the pre-petition delinquency on the Note and Mortgage with Creditor; however, the figures used by the Debtor are inaccurate. Although Creditor has not yet filed its Proof of Claim, it is anticipated that the claim will include pre-petition arrearage totaling

\$35,064.01, whereas the Plan proposes to pay only \$9,790.34.

5. The Debtor's Plan provides for funding based on a potential Loan Modification that must be completed within 24 months of confirmation of the Plan. Debtor's Plan is speculative in nature in that the Plan contemplates curing the arrears through a Loan Modification that has neither been offered nor approved.

6. The timeframe of 24 months after confirmation to complete a Loan Modification is unreasonable.

7. Additionally, the Plan does not provide an alternative should the Debtor fail to close on a Loan Modification to cure the arrears.

8. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Creditor objects to any plan which proposes to pay it anything less than \$35,064.01 as the pre-petition arrearage over the life of the Plan.

WHEREFORE, Creditor respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Creditor as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Matthew Fissel

Matthew Fissel, NJ Bar No. 038152012
Andrew Spivack, NJ Bar No. 018141999
Jay Jones, NJ Bar No. 972011
Attorney for Creditor
BROCK & SCOTT, PLLC
8757 Red Oak Boulevard, Suite 150
Charlotte, NC 28217
Telephone: (844) 856-6646
Facsimile: (704) 369-0760
E-Mail: NJBKR@brockandscott.com

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CERTIFICATION OF SERVICE

1. I, Janice Eshenour:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for BROCK & SCOTT, PLLC, who represents Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as trustee of MFA 2021-NQM2 Trust in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On March 8, 2023, I sent a copy of the following pleadings and/or documents to the parties listed below:

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: March 8, 2023

/s/ Janice Eshenour
Janice Eshenour

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
CHRISTIAN G MONNE 39 GRAYDON TERRACE CLIFTON, NJ 07013	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
DAVID L. STEVENS 1599 HAMBURG TURNPIKE WAYNE, NJ 07470	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Marie-Ann Greenberg 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Chapter 13 Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____

		(as authorized by the court *)
US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	US Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.